

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JERRY LEWIS DEDRICK §
VS. § CIVIL ACTION NO. 1:06cv201
T.C. OUTLAW §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Jerry Lewis Dedrick, an inmate at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. A report was entered by the magistrate judge recommending that the respondent's motion to dismiss be granted and the above-styled petition be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. See FED. R. CIV. P. 72(b). After careful consideration, the court concludes petitioner's objections are without merit to the extent they address the above-styled habeas petition.

Petitioner requests that the above-styled action be construed as a Privacy Act Suit against the respondent. Petitioner requests monetary damages and injunctive relief in accordance with *Sellers v. Bureau of Prisons*, 959 F.2d 307 (D.C. Cir. 1992). After due consideration, the court is of the opinion that petitioner asserts claims which may be construed as arising under the Privacy Act. These claims should be severed from this habeas petition in order to proceed as a separate civil action.

O R D E R

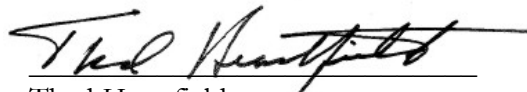
Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. Accordingly, it is

ORDERED that petitioner's civil claims are hereby **SEVERED** from this action and shall proceed as a separate action. The Clerk of Court is directed to assign petitioner's claims to a separate civil action number. The resulting case should be assigned according to the regular practice for allotment of newly-filed civil actions. It is further

ORDERED that the respondent's motion to dismiss is **GRANTED**.

A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the 27 day of **March, 2007**.


Thad Heartfield
United States District Judge